

U.S. Patent Application No. 10/670,095
Amendment dated August 25, 2004
Reply to Office Action of May 25, 2004

REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

In the amendment, claims 12, 15, and 34 have been amended to recite that the ionic or ionizable group is a sulfonated group or a phosphonated group or both. Full support for this amendment can be found throughout the present application, including the claims as originally filed, for instance, see claim 6. In addition, claim 24 and claim 30 have been made dependent on composition claims 34 and 12 respectively. Accordingly, no questions of new matter should arise and entry of this amendment is respectfully requested.

At page 2 of the Office Action, the Examiner indicates that claims 12-32 and 34 are pending, which is correct. The Examiner indicates that when claims 12-32 and 34 are found allowable, the non-elected claims, namely claims 1-11 and 33 will be rejoined as new claims. However, the applicants respectfully point out that claims 1-11 and 33 were canceled in the Preliminary Amendment filed September 24, 2003. The applicants do believe that claims 24-32, which are now dependent on the examined product claims should be rejoined and found allowable in view of the comments set forth below. Accordingly, claims 12-32 and 34 are pending.

At the bottom of page 2 of the Office Action, the Examiner rejects claims 12-14 and 34 under 35 U.S.C. § 102(b) as being anticipated by Lunkwitz et al. (U.S. Patent No. 5,540,837) or by Röber et al. (U.S. Patent No. No. 5,554,426).

The Examiner asserts that column 9, lines 55-67 of Lunkwitz et al. describes a membrane which comprises a PTFE/polyacrylic acid blend prepared by treating PTFE membrane with polyacrylic acid. The Examiner further asserts that PTFE is a fluoropolymer and a polyacrylic

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acid contains carboxylic acid groups that are ionic or ionizable. Therefore, the Examiner asserts that the claimed invention is anticipated by Lunkwitz et al.

The Examiner asserts that Röber et al. describes a multilayer plastic pipe which contains a layer having a mixture (or a blend) of PVDF and an acrylate copolymer. Furthermore, according to the Examiner, column 3, lines 50-55 of Röber et al. describes that the acrylate copolymer contains 0-15 wt. % of carboxylic acid as the ionic or ionizable group. Accordingly, the Examiner concludes that Röber et al. teaches all of the limitations of the claimed invention.

For the following reasons, this rejection is respectfully traversed.

Claim 12 of the present application recites a composition comprising the polymer product of blending: (a) at least one polymer comprising acrylic units, vinyl units, or both and at least one ionic or ionizable group and (b) at least one thermoplastic fluoropolymer wherein (a) and (b) are different. Claim 12 further recites that the ionic or ionizable group is a sulfonated group or a phosphonated group, or both.

Claim 34 also recites a composition claim with similar language. Lunkwitz et al. and Röber et al. do not teach or suggest at least one polymer comprising acrylic units, vinyl units, or both and at least one ionic or ionizable group wherein the ionic or ionizable group is a sulfonated group or a phosphonated group, or both. The applicants note that these arguments were persuasive in the Examiner withdrawing the rejections in the parent application in view of these same references.

Accordingly, for these reasons, this rejection should be withdrawn.

At page 4 of the Office Action, the Examiner rejects claims 12-32, and 34 under 35 U.S.C. § 102(b) as being anticipated by Prakash et al. (WO 98/22989). According to the Examiner, page 7, lines 6-17 of Prakash et al. describes a membrane composed of a polyblend of sulfonated

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polystyrene and poly(vinylidene fluoride). The Examiner then asserts that since sulfonated polystyrene is a vinyl resin containing at least one ionic or ionizable sulfonated group, Prakash et al. describes all of the limitations of the claimed invention.

For the following reasons, this rejection is respectfully traversed.

Prakash et al. relates to a polymer electrolyte membrane composed of polystyrene sulfonic acid and poly(vinylidene fluoride). Prakash et al., therefore, only shows the sulfonation of a styrenic group. Prakash et al. does not teach or suggest an acrylic resin or a combination of an acrylic resin and a vinyl resin which has at least one ionic or ionizable group.

Furthermore, Prakash et al. does not teach or suggest that the ionic or ionizable group is a sulfonated group or a phosphonated group, or both. Furthermore, the applicants respectfully point out that the above distinguishing points were considered sufficient to withdrawn this rejection in the parent application. Accordingly, for these reasons, this rejection should be withdrawn as well.

In addition, as indicated above, since method claims 24 and 30, as well as the claims dependent on these method claims are directly dependent on product claims 12 or 34, these claims would also be allowable.

If the Examiner has any remaining questions as to the patentability of the present claims in view of the cited references, the Examiner is encouraged to contact the undersigned by telephone.

CORRECTION OF INVENTORSHIP

A copy of the Petition to Correct Inventorship that was filed in the parent application is attached. The same correction of the inventors in the present application is respectfully requested.

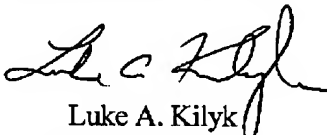
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CONCLUSION

In view of the foregoing remarks, the applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



Luke A. Kilyk
Reg. No. 33,251

Atty. Docket No. 3055-002-02
KILYK & BOWERSOX, P.L.L.C.
53 A East Lee Street
Warrenton, VA 20186
Tel.: (540) 428-1701
Fax: (540) 428-1720